

# Putting Prison Capacity in Context

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*If crime is down, why build more prison beds?*



**Senate Ways & Means Committee**

**February 2, 2005**

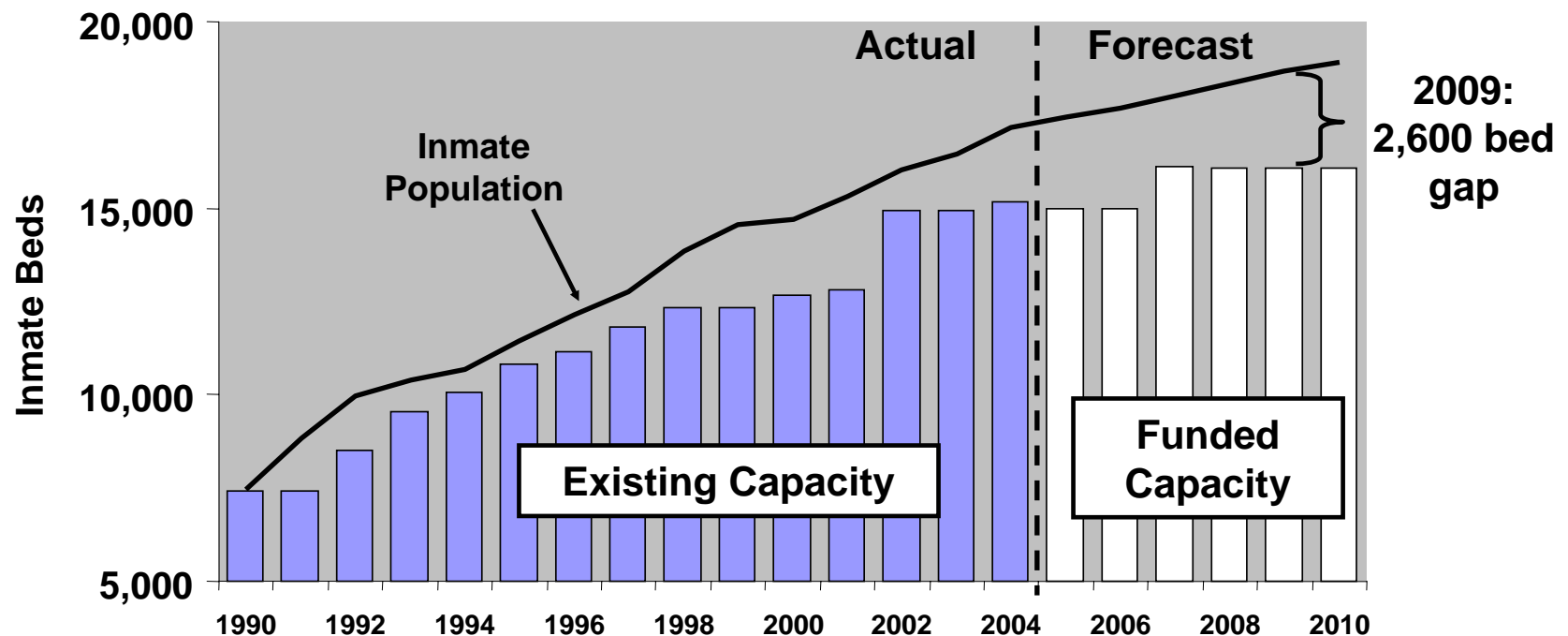
<http://www1.leg.wa.gov/Senate/Committees/WM/>

# Questions to discuss today...

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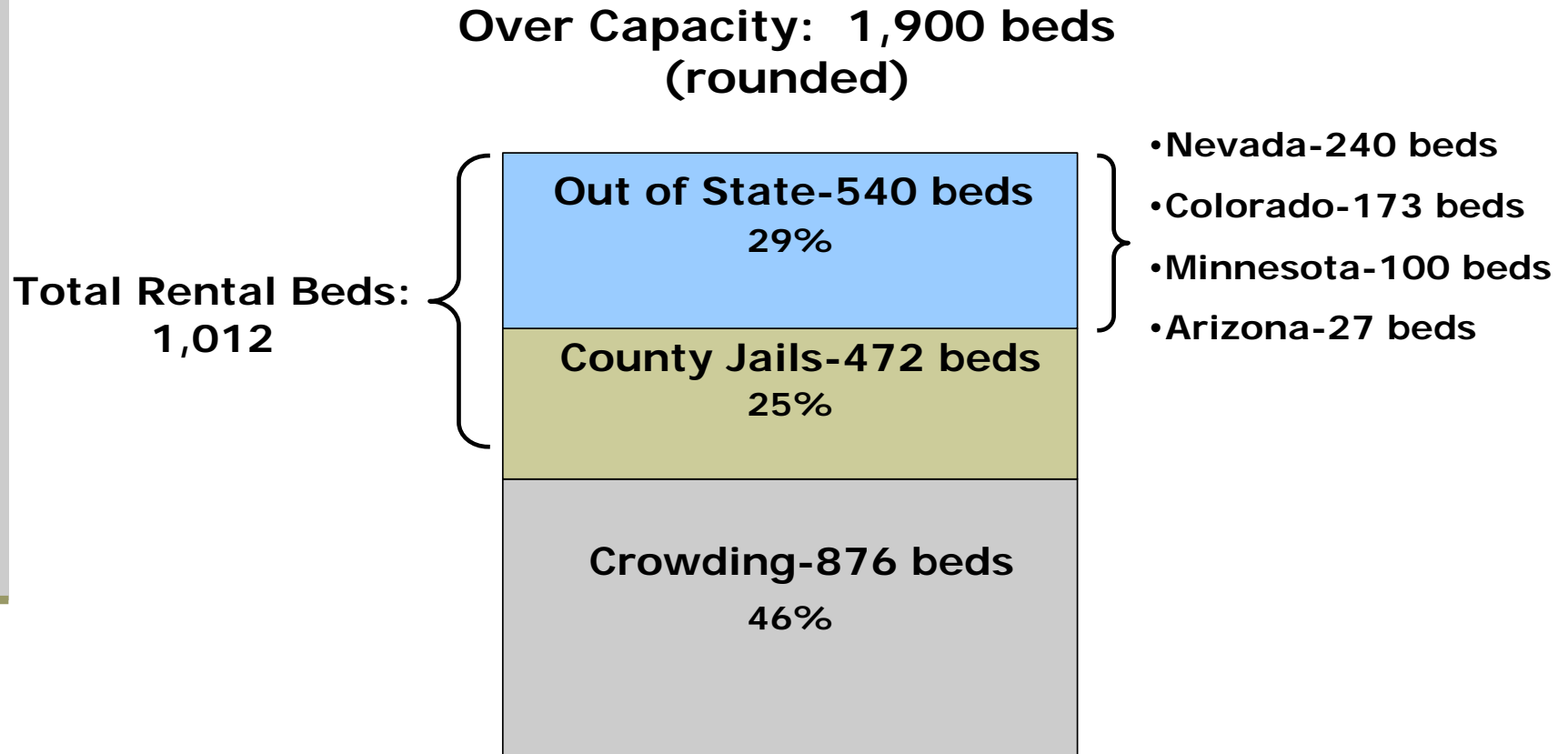
1. The present: what is the extent of the current bed shortage?
2. The past: why is there a bed shortage and what has already been done to address capacity?
3. The future: what options exist to handle the bed shortage?

By 2009, Department of Corrections will be short 2,600 beds—the size of two average prisons.



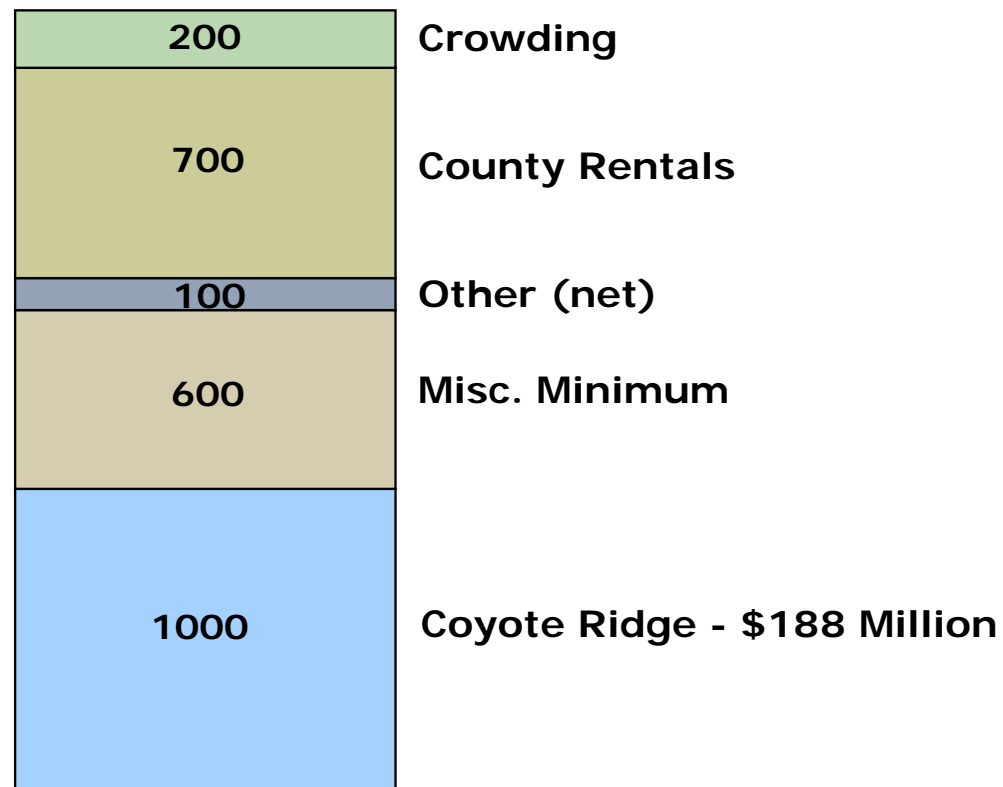
Data source: Caseload Forecast Council. 1990-2004 figures are actuals, 2005-2010 are forecasted.

Right now, Department of Corrections is handling over half of its capacity problem by renting beds.



By 2009, the agency proposes addressing the 2,600 bed shortage with a combination of new construction, continuing rental beds, and minimal crowding.

### Agency Solution for 2009

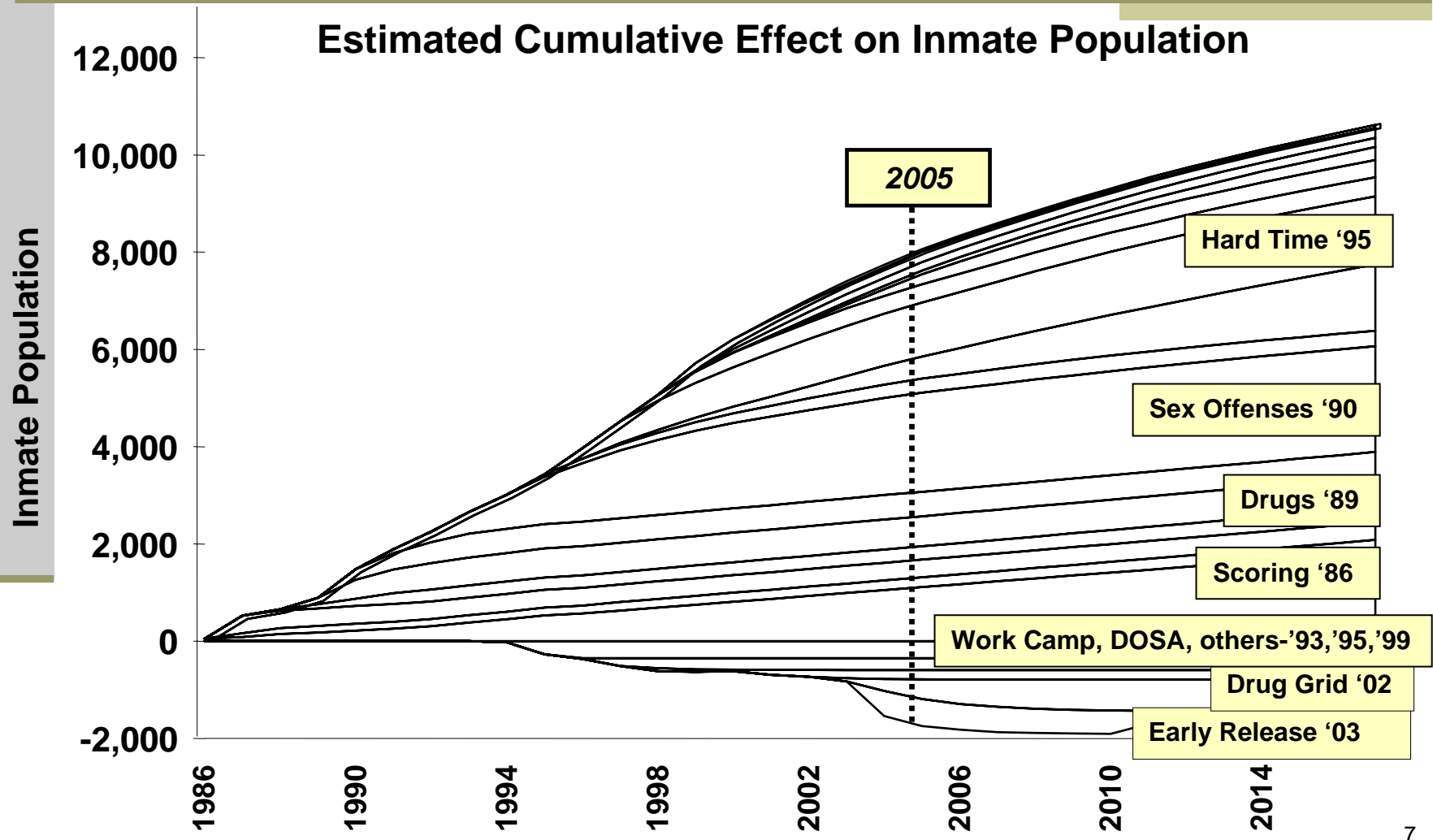


**2,600 Total Beds**



**So why are there so many  
people in prison?**

The effect of sentencing changes builds over time. Sentences were lengthened in nearly every legislative session, especially from 1989-1999.



# Other justice entities have increased the “inputs” to the system, even though reported crime is down.

## Percent Change in Felonies Between 1989 and 1999

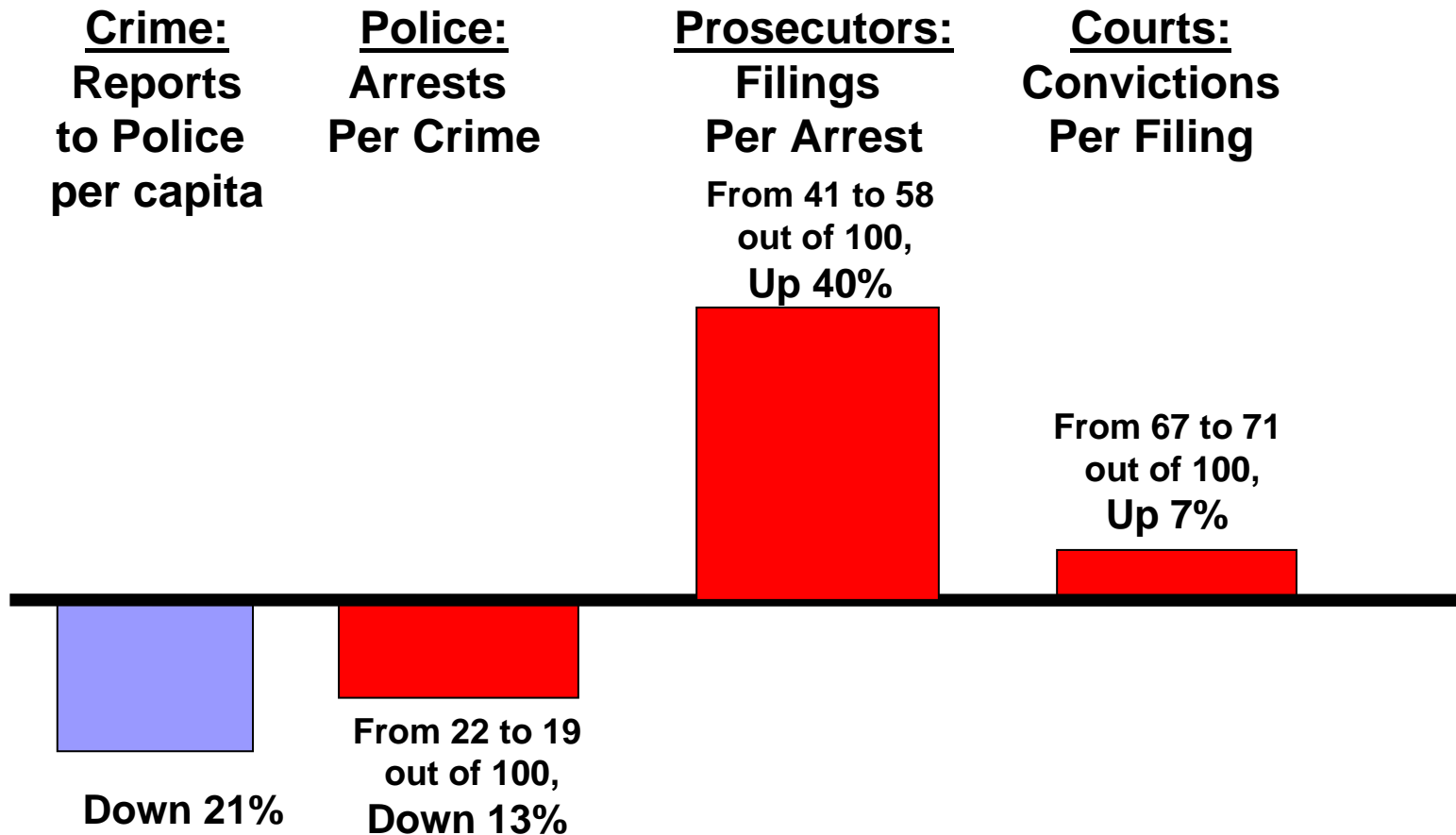


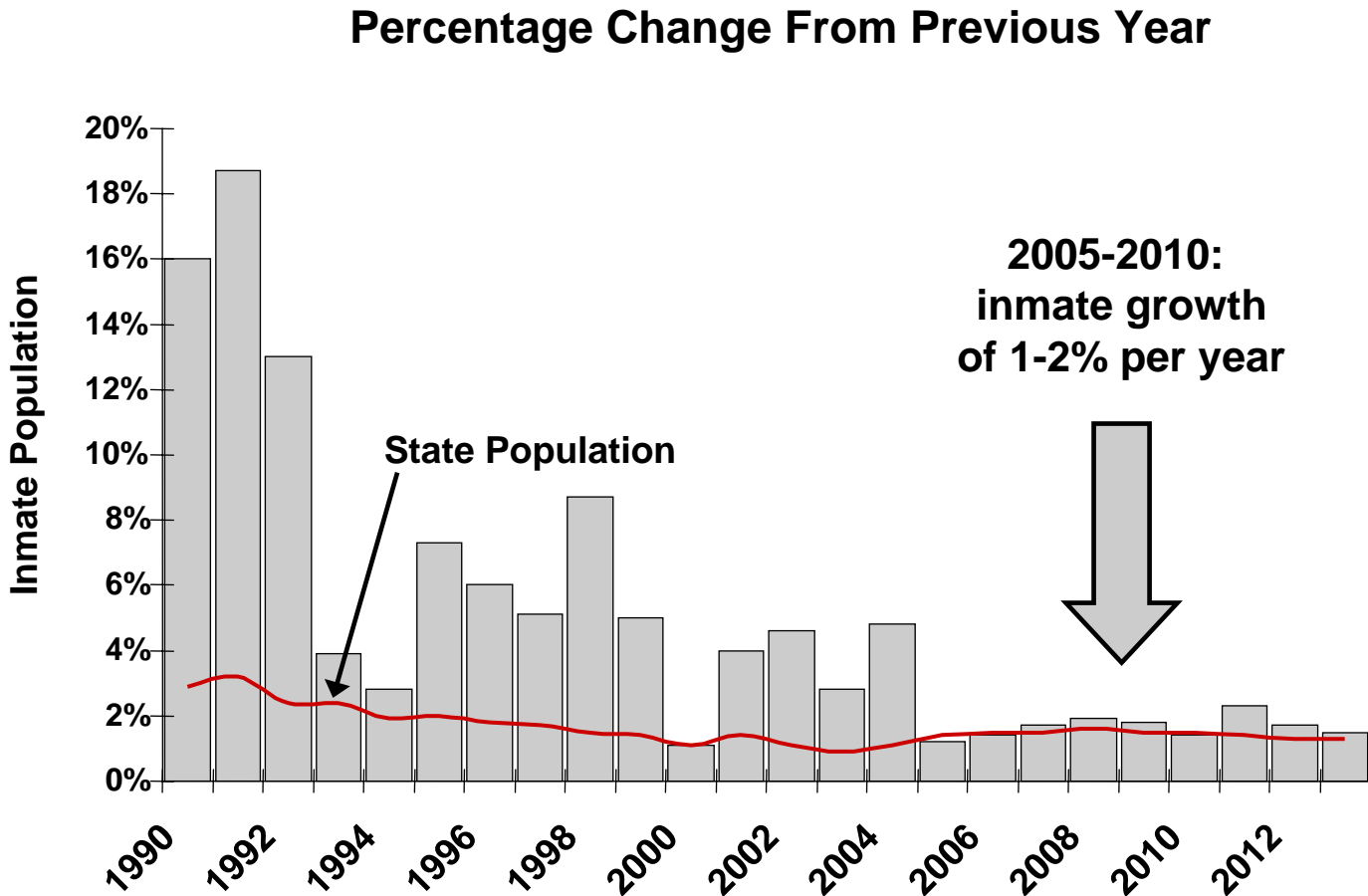
Chart source: Washington State Institute for Public Policy.

Note: The numbers reported are percentage changes in rates per 1,000 people in Washington, 1989 to 1999.

Data Sources: Washington Association of Sheriffs and Police Chiefs, Caseload Forecast Council, Office of the Administrator for the Courts, and the Office of Financial Management.



# Prison population growth was well in excess of overall population growth, until now...



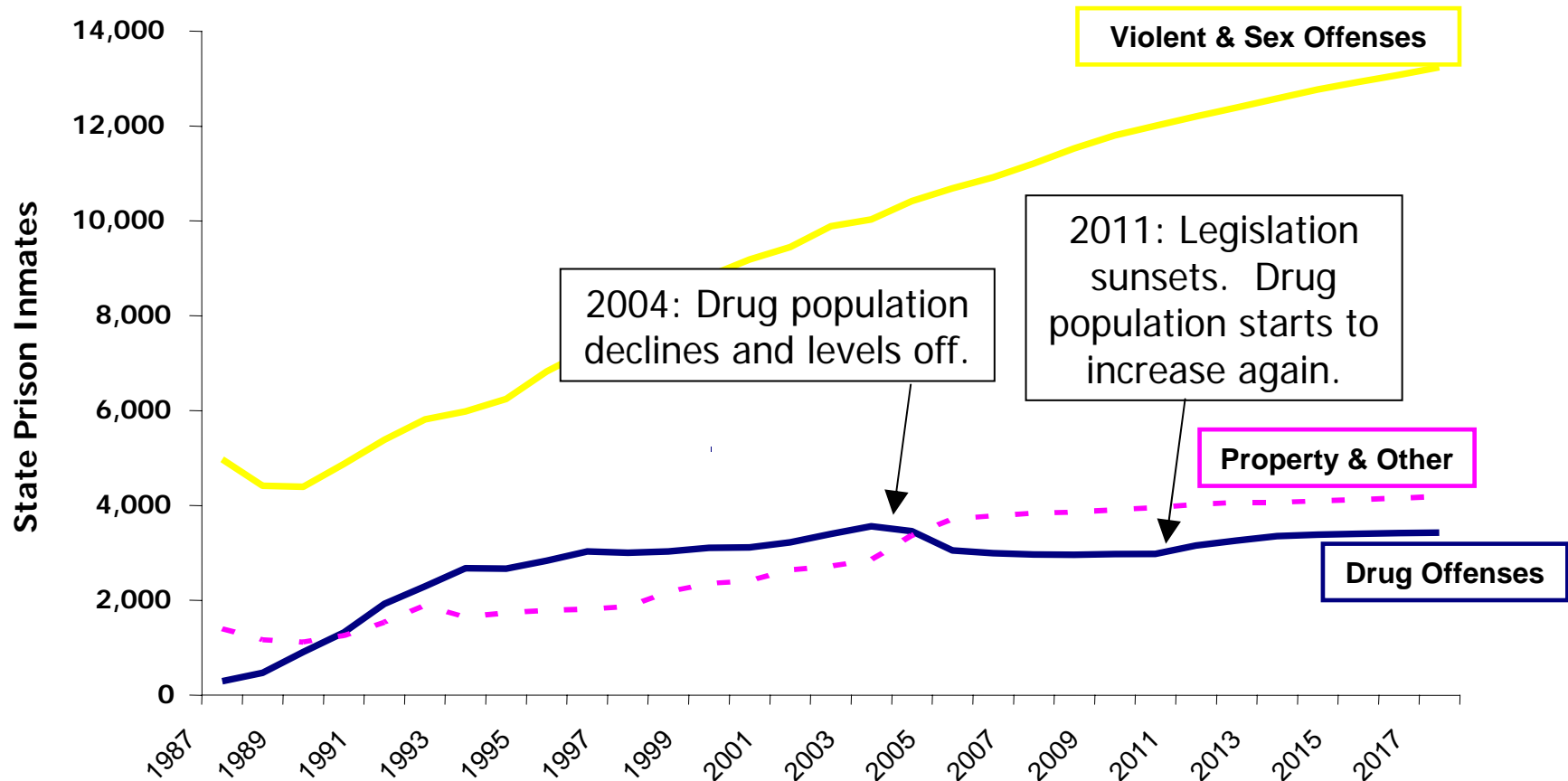
Data source: Caseload Forecast Council. 1989-2004 figures are actuals, 2005-2014 are forecasted.



# **What has the Legislature done to mitigate prison growth?**

# Recent sentencing changes are reducing the number of drug offenders in prison.

**Inmates by Major Offense Category: 1987-2017**



Source: Caseload Forecast Council. 2005 and on are forecasted estimates, others are actuals.

# The 2002 Legislature enacted a major drug sentencing overhaul.

## 2SHB 2338:

1. New drug sentencing grid undid many of the increases since 1989.
2. Some sentencing “savings” devoted to drug treatment for offenders.

### Example:

*In 2001, a cocaine dealer with two drug felony priors would have received a standard sentence of about 6 and a half years.*

*In 2005 the same offender would receive a sentence of 12+ to 20 months.*

# The 2003 Legislature made further major reductions to save \$40 Million.

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## ESSB 5990:

1. Started new drug sentencing grid one year early.
2. Gave 50 percent “good time” (early release) for certain low risk drug & property offenders.
3. Eliminated supervision for certain low risk felons.

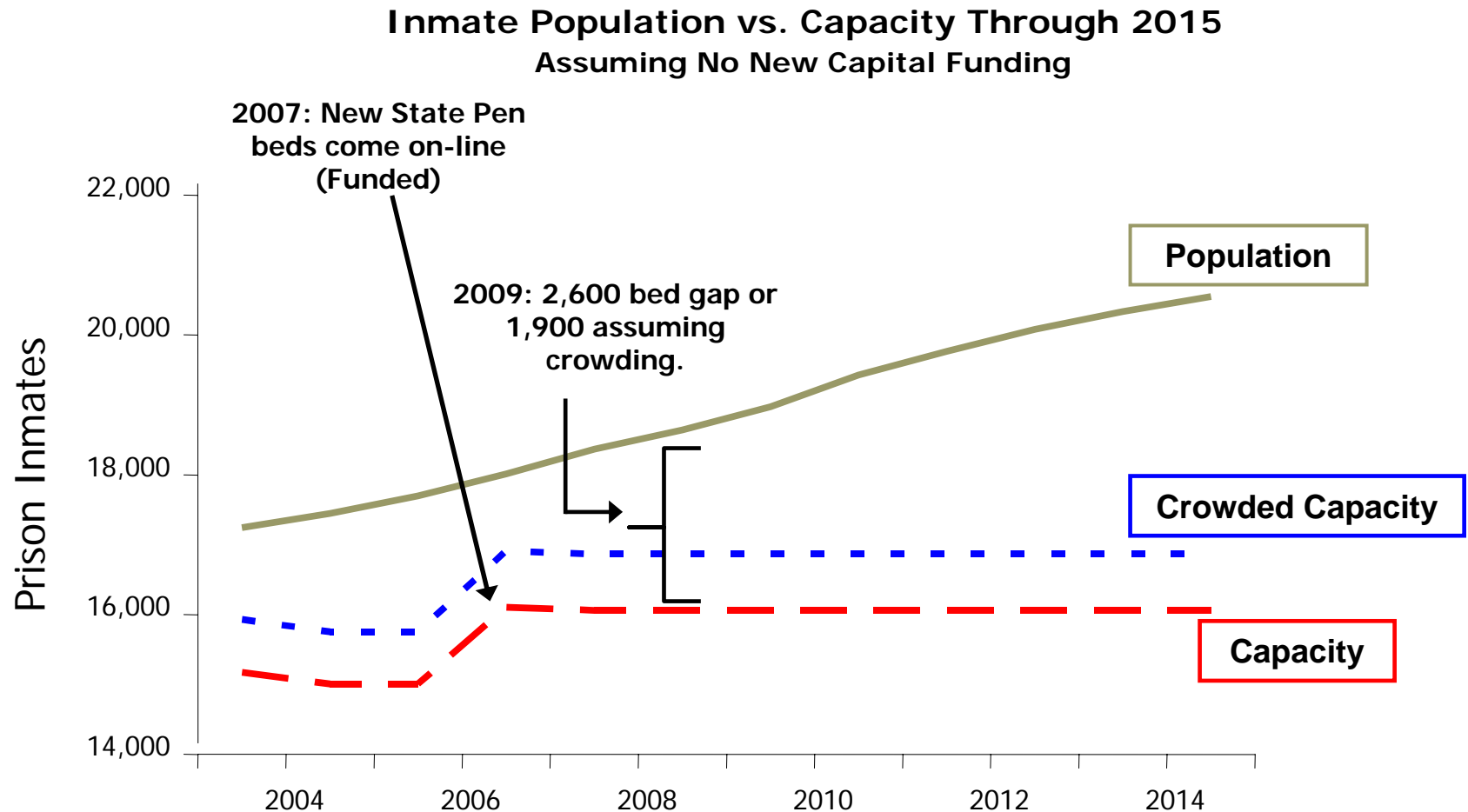
## Effects:

- Estimated to save about 500 prison beds.
- Design & construction of Coyote Ridge beds was delayed.



**Where do we go from  
here?**

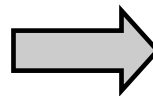
The capacity gap is 2,600 beds as of 2009...and growing.



# The Legislature has a basic set of options to deal with capacity issues. Here's the toolkit:

	Short Term	Long Term
Demand	<u>Retroactive or immediate:</u> <ul style="list-style-type: none"><li>■ Early release.</li><li>■ Sentence reduction.</li><li>■ Partial confinement.</li></ul>	<ul style="list-style-type: none"><li>■ Other early release and sentencing changes based on risk or other criteria.</li><li>■ Front door: police, prosecutor, judicial actions.</li></ul>
Supply	<ul style="list-style-type: none"><li>■ Tolerate overcrowding.</li><li>■ Rent beds.</li><li>■ Partial confinement.</li></ul>	<ul style="list-style-type: none"><li>■ Build beds.</li><li>■ Cooperate with locals.</li><li>■ Reprogram other kinds of facilities into prison beds.</li></ul>

The “Longer” Term



**Research-based  
prevention &  
intervention**

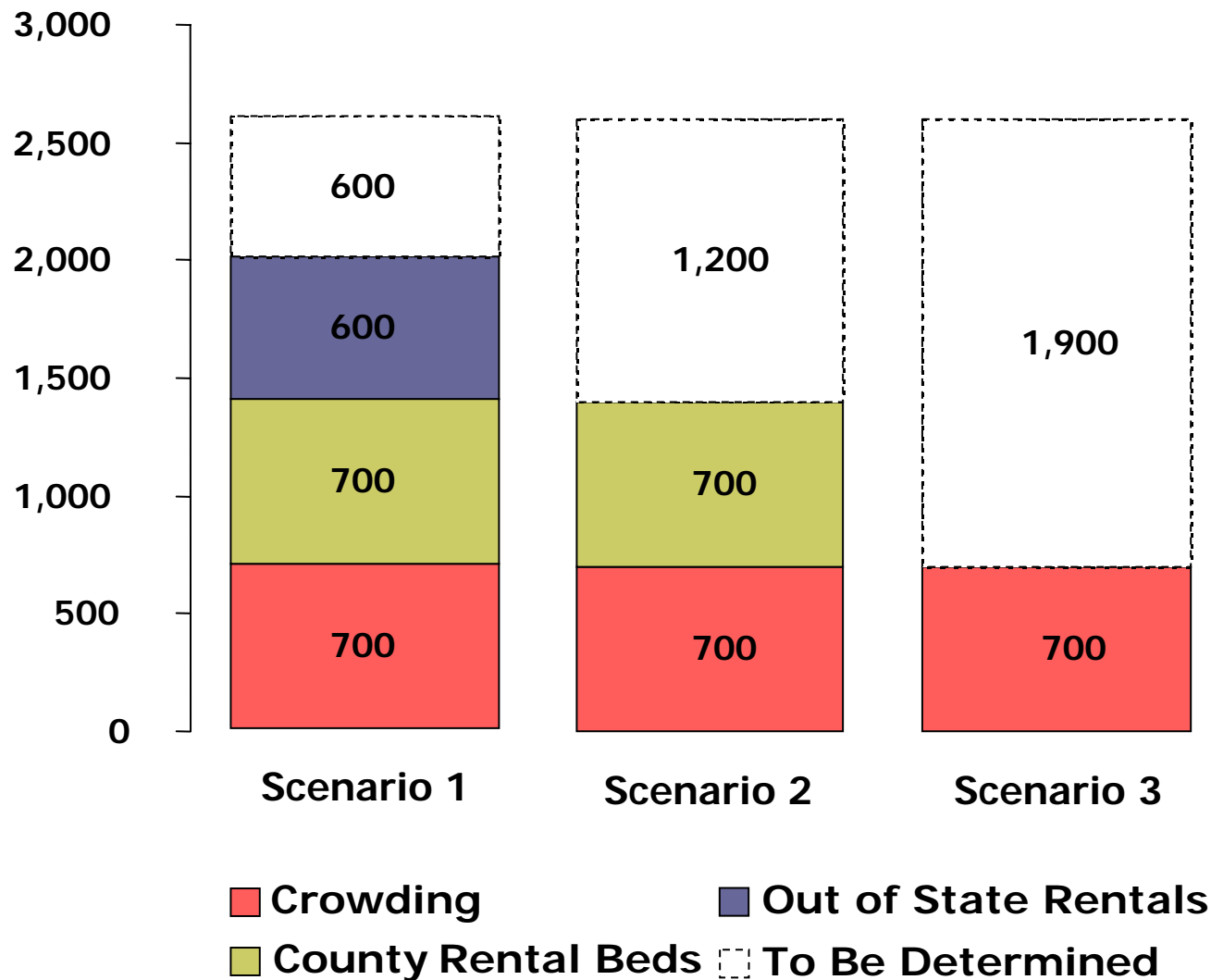


# Addressing the capacity issue on the demand side would require major policy changes:

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- Using predictive risk factors like gender and age at sentencing, for property offenders. (500+)
- Reducing sentences for sex and violent offenders, who are statistically at lower risk to recidivate (500+).
- Disregarding all criminal history when sentencing drug offenders (500).
- Expanding partial confinement for non-violent offenders, and include treatment (300).
- Expanding 50% early release to additional crime categories (domestic violence, residential burglary). (200)

# Targeting the Approach: 2,600 Beds Needed by year 2009



# Governor Locke's capital budget assumed Coyote Ridge is built but did not add funds for about 600 other beds.

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## Locke Proposals:

1. Extend 50 percent early release to low- to moderate-risk offenders with:
  - Current or prior felony convictions of a crime against a person, domestic violence, residential burglary, manufacture or sale of methamphetamine, or selling drugs to minors.
2. Expand the definition of partial confinement to include residential drug treatment and extends the period of partial confinement from 6 to 12 months.
3. Establish a risk-based sentencing grid for certain property (and other) offenses.



Questions?